

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DANI WILLIAM GUERRA-MORALES,

Petitioner,

v.

Civil Action No. 3:11CV52

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION

By Memorandum Order entered January 21, 2011, the Court conditionally filed Petitioner's civil action for the return of his personal property. The Court informed Petitioner that he was required, within thirty (30) days of the date of entry thereof, to submit an affidavit in support of a motion for leave to proceed *in forma pauperis* or else pay the required filing fee. On February 7, 2011, the Court received from Petitioner a letter requesting an extension of time to comply with the January 21, 2011 Memorandum Order because Petitioner's lawyer was out of town and Petitioner could not get in touch with him. On March 9, 2011, the Court granted Petitioner thirty (30) days from the date of entry thereof to comply with the January 21, 2011 Memorandum Order. The Court warned Petitioner that his failure to comply within that time limit would result in dismissal of the action without prejudice.

More than thirty (30) days have passed since the Court issued the March 9, 2011 Memorandum Order, and Petitioner has not responded. Petitioner's failure to comply with the January 21, 2011 Memorandum Order indicates his lack of interest in prosecuting the present

action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Date: 5-11-11
Richmond, Virginia

/s/
James R. Spencer
Chief United States District Judge